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PLEASE REPLY TO

NEW YORK OFFICE

October 25, 2000

**VIA FACSIMILE (718) 260-2634
AND FIRST CLASS MAIL**

Hon. Nicholas G. Garaufis
United States District Court
Eastern District of New York
U.S. Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Department of Amazonas, et al. v. Philip Morris Companies, Inc., et al., 00 Civ. 2881 (NGG); Department of Antioquia v. Philip Morris Companies, Inc., et al., 00 Civ. 3857 (NGG); Department of Magdalena, et al. v. Philip Morris Companies, Inc., et al., 00 Civ. 4530 (NGG)*

Dear Judge Garaufis:

We are in receipt of the letter of Irvin B. Nathan, Esq. (attorney for Philip Morris) to Your Honor, dated October 24, 2000. It was telecopied to and received by this firm last night. Mr. Nathan's letter deserves only a brief response.

First, Philip Morris' letter seeks relief from the Court, including an order compelling Plaintiffs' counsel to disclose its privileged communications with clients and experts. The letter request is procedurally improper. If Philip Morris is seeking relief from the Court, it should be by means of a motion on notice. It is improper for Philip Morris to seek substantive relief by means of a letter telecopied to Plaintiffs' counsel after the close of business.

Second, Philip Morris seeks a schedule for the briefing and argument of its anticipated motion so that a hearing can occur "before the Court by the last week in November, prior to the December 1 date by which defendants must file their motions to dismiss . . ." This is yet another effort by Philip Morris to delay the progress of this action. This Court has denied the application for a stay, and Philip Morris is seeking to delay the action through another route. If Philip Morris is bound and determined to make its motion, so be it. It can make its motion at any time,

Letter to Judge Garaufis

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without further action by the Court, and it will be addressed in due course. But the schedule on the motion to dismiss should not be disturbed.

Third, it is the standard operating procedure for Philip Morris to attack opposing counsel, and to use baseless ethical claims in an attempt to derail actions against it. If Philip Morris makes its motion, Plaintiffs will set forth all of PM's efforts in Minnesota and numerous other states by which it made baseless ethical charges in an unavailing effort to gain advantage in civil litigation.

For all of the foregoing reasons, PM's letter application for relief, made after the close of business yesterday, should be denied.

Very truly yours,

A handwritten signature in cursive script, reading "John J. Halloran, Jr.", written in dark ink.

John J. Halloran, Jr.

JJH:mlc

cc: Kevin A. Malone, Esq.
Andrew Sacks, Esq.
Ronald S. Rolfe, Esq.
David Bernick, Esq.
Craig A. Stewart, Esq.
Irvin B. Nathan, Esq.

(Via Facsimile and First Class Mail)